

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1598A

1 WHEREAS, Northern Lights L.L.C. and Clayton K. Yeutter Trust have submitted an
 2 application designated as Special Permit No. 1598A for authority to amend the Northern Lights
 3 Community Unit Plan to change the approved multi-family units to townhouse units, and to waive
 4 the requirement to submit a preliminary plat, to waive drive platform standards, to increase lot
 5 depth to width ratio, to reduce the front yard setback from 20' to 5', to increase block length, to
 6 revise the turnaround radius of N. 81st Court, N. 81st Place and N. 82nd Place, and to waive the
 7 required landscape screen on property generally located at N. 84th and Holdrege Streets, and
 8 legally described to wit:

9 Lots 1-3, Northern Lights 2nd Addition, Lincoln, Lancaster County,
 10 Nebraska;

11 WHEREAS, the real property adjacent to the area included within the site plan for
 12 this community unit plan will not be adversely affected; and

13 WHEREAS, said site plan together with the terms and conditions hereinafter set
 14 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote
 15 the public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
 17 Nebraska:

18 That the application of Northern Lights L.L.C. and Clayton K. Yeutter Trust,
 19 hereinafter referred to as "Permittee", to develop Northern Lights Community Unit Plan for 360
 20 dwelling units on the property legally described above, be and the same is hereby granted under
 21 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
 22 condition that construction and operation of said community unit plan be in strict compliance with

1 said application, the site plan, and the following additional express terms, conditions, and
2 requirements:

3 1. This permit approves 360 dwelling units, 156 shown on the site plan with 204
4 unassigned units, and the following variances to the Land Subdivision Ordinance and Design
5 Standards:

- 6 a. A waiver of the drive platform standards.
- 7 b. A waiver of the 3 to 1 lot depth to width ratio as shown on the site
8 plan.
- 9 c. A reduction of the required front yard setback from 20' to 5' as
10 shown on the site plan.
- 11 d. An increase over the 1320 foot maximum block length as shown on
12 the site plan.
- 13 e. A reduction in the required turnaround radius of N. 81st Place and
14 N. 82nd Place from 43.5 feet to 30 feet.
- 15 f. Landscape screening, except that in the event the grade on the
16 property to the east is decreased, screening in conformance with the
17 design standards shall be provided by the Permittee.

18 2. The requirement that the Permittee submit a preliminary plat is waived,
19 except that this waiver of the preliminary plat shall only be effective for a period of ten years from
20 the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or
21 a portion of the approved community unit plan is submitted five years or more after the effective
22 date of the community unit plan, the City may require that a new community unit plan be submitted,
23 pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required
24 if the subdivision ordinance, the design standards, or the required improvements have been
25 amended by the city; and as a result, the community unit plan as originally approved does not

1 comply with the amended rules and regulations.

2 3. Before receiving building permits:

- 3 a. The Permittee must submit an acceptable, revised and reproducible
- 4 final plan including seven copies.
- 5 b. The construction plans must conform to the approved plans.
- 6 c. Final plats within this community unit plan must be approved by the
- 7 Planning Director.

8 4. Final Plats will be approved by the Planning Director after:

- 9 a. The Permittee has completed or posted a surety to guarantee the
- 10 completion of the public streets, private roadway improvements,
- 11 sidewalks, sanitary sewer system, water system, drainage facilities,
- 12 land preparation and grading, sediment and erosions control
- 13 measures, storm water detention/retention facilities, drainageway
- 14 improvements, street lights, landscaping screens, street trees,
- 15 temporary turnaround and barricades, and street name signs.
- 16 b. The Permittee has signed an agreement that binds the subdivider,
- 17 its successors and assigns:
 - 18 i. To submit to the Director of Public Works a plan showing
 - 19 proposed measures to control sedimentation and erosion
 - 20 and the proposed method to temporarily stabilize all graded
 - 21 land for approval.
 - 22 ii. To complete the private improvements shown on the
 - 23 Community Unit Plan.
 - 24 iii. To maintain the outlots and private improvements on a
 - 25 permanent and continuous basis. However, the Permittee
 - 26 may be relieved and discharged of this maintenance

1 obligation upon creating in writing a permanent and
2 continuous association of property owners who would be
3 responsible for said permanent and continuous maintenance.

4 The Permittee shall not be relieved of such maintenance
5 obligation until the document or documents creating said
6 property owners association have been reviewed and
7 approved by the City Attorney and filed of record with the
8 Register of Deeds.

- 9 iv. To continuously and regularly maintain the street trees along
10 the private roadways and landscape screens.
- 11 v. To submit to the lot buyers and home builders a copy of the
12 soil analysis.
- 13 vi. To pay all improvement costs.
- 14 vii. To comply with the provisions of the Land Preparation and
15 Grading requirements of the Land Subdivision Ordinance.
- 16 viii. To protect the trees that are indicated to remain during
17 construction and development.
- 18 ix. To properly and continuously maintain and supervise the
19 private facilities which have common use or benefit, and to
20 recognize that there may be additional maintenance issues
21 or costs associated with providing for the proper functioning
22 of storm water detention/retention facilities as they were
23 designed and constructed within the development, and that
24 these are the responsibility of the land owner.
- 25 x. To relinquish the right of direct vehicular access to Holdrege
26 Street except as shown.

1 5. Before occupying the dwelling units all development and construction must
2 be completed in conformance with the approved plans.

3 6. All privately-owned improvements must be permanently maintained by the
4 Permittee or an appropriately established homeowners association approved by the City Attorney.

5 7. The site plan approved by this permit shall be the basis for all interpretations
6 of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
7 matters.

8 8. The terms, conditions, and requirements of this resolution shall be binding
9 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
10 violations to the City Council which may revoke the special permit or take such other action as may
11 be necessary to gain compliance.

12 9. The Permittee shall sign and return the City's letter of acceptance to the City
13 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period
14 may be extended up to six months by administrative amendment. The City Clerk shall file a copy
15 of the resolution approving the special permit and the letter of acceptance with the Register of
16 Deeds, filing fees therefor to be paid in advance by the Permittee.

17 10. The site plan approved with this resolution voids and supersedes all
18 previously approved site plans, however all resolutions approving previous permits remain in force
19 unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor